

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

UNITED STATES OF AMERICA v. KHALID SHAIKH MOHAMMAD, WALID MUHAMMAD SALIH MUBARAK BIN ‘ATTASH, RAMZI BIN AL SHIBH, ALI ABDUL AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI	AE 616WWW Ruling Defense Motion to Unseal AE 616PPP Deposition Transcript 15 April 2020
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1. On 1 April 2020, Messrs. bin al Shibh and Mohammad moved¹ the Commission to unseal the 751 pages of deposition transcript in AE 616PPP² (allowing for redactions of National Security/Classified Information) to permit them to review the Interpreter’s testimony with Defense Counsel.³ On 9 April 2020, the Government responded,⁴ offering to “voluntarily cause a classification review of the Interpreter’s deposition transcript (AE 616PPP) to occur with the intent to obtain a version that is releasable to the accused by 15 June 2020.”⁵ On 13 April 2020, Messrs. bin al Shibh and Mohammad replied,⁶ moving the Commission to issue an order requiring the Government to do what they voluntarily proposed.

2. The Commission finds the Government’s proposal reasonable and will rule accordingly.

However, rather than unseal the deposition transcript, the Commission will modify the seal order

¹ AE 616SSS (RBS KSM), Corrected Copy, Defense Motion to Unseal AE 616PPP Deposition Transcript, filed 1 April 2020.

²AE 616PPP - Deposition Transcript, Under Seal, Classified TS, 11 – 13 December 2019.

³ On 11 October 2019, the Commission ordered that the deposition be sealed. *See* AE 350WWW/AE 616LL, Notice of Under Seal Order, dated 11 October 2019.

⁴ AE 616UUU (GOV), Government Response to Defense Motion to Unseal AE 616PPP Deposition Transcript, filed 9 April 2020.

⁵ *Id.* at 3.

⁶ AE 616VVV (KSM RBS), Reply to Government Response to Defense Motion to Unseal AE 616PPP Deposition Transcript, filed 13 April 2020.

to allow classification authorities to review the transcript and to authorize the Accused to review transcripts releasable to them.

3. **Ruling.** The Defense Motion is **GRANTED IN PART** as specified in paragraph 4 below.

4. **Order.**

a. The Government will cause a classification review of AE 616PPP to prepare a version of the transcript releasable to the Accused. The classification review will be completed no later than **15 June 2020**.

b. The Commission modifies its order (AE 350WWW/AE 616LL) sealing the deposition transcript to authorize classification reviewing authorities to review the transcript and to authorize the Accused to review the resulting transcript deemed releasable to the Accused.

So **ORDERED** this 15th day of April, 2020.

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W. SHANE COHEN, Colonel, USAF
Military Judge
Military Commissions Trial Judiciary